



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G ST. NW
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECC

Negotiation Confidential

Via Email, 26 August 2022

Richard Mednick, Esq.
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 10
Office of the Regional Counsel
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

Gary Vrooman, Esq.
Assistant Attorney General
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201-5702

John Level, Esq.
Assistant Attorney General
Office of the Attorney General
P.O. Box 40117 Olympia, WA 98504

Dear Richard, Gary, and John:

As we have discussed in the negotiations of the Bradford Island NPL Site Federal Facilities Agreement (FFA), there is limited ongoing response action work taking place by the U.S. Army Corps of Engineers (USACE) at the Bradford Island Areas of Potential Concern (AOPCs). During the period before a final FFA is signed and in effect to govern the roles and responsibilities of the FFA parties, it is beneficial to our agencies to have an informal agreement on coordination of the work. You have also asked for the specific activities that are under way at the AOPCs and a general schedule for these activities. In furtherance of these matters, we offer the following information on the response action work by USACE at the AOPCs, and a proposal for coordination among the FFA parties in the period before the FFA is signed.

As has been the case for many years, all work under way was discussed with the interested agencies and Indian Tribes prior to the Bradford Island NPL listing, and work plans and reports were reviewed by these parties and their comments were considered by USACE. We will soon propose a list to be included in the Bradford Island FFA of the Primary and Secondary Documents, within the meaning of the Consultation section of the FFA, that USACE has found to satisfy the requirements of CERCLA and the NCP for the CERCLA phase work to which the document applies. These documents will be furnished to you for review by your agencies for recognition in the FFA as completed.

In addition, there is limited ongoing site work under way by USACE at Bradford Island that is anticipated to result in a document or report before the Bradford Island FFA is signed and in effect. These activities are not expected to result in the preparation of any draft Primary Documents, as identified in the Fort Eustis Model FFA, or the specific types of Secondary Documents identified in the Fort Eustis Model FFA. These activities are expected to provide additional useable site characterization data to allow for prompt and effective progress on the development of draft Primary and Secondary Documents after the FFA is effective. As such, USACE believes these reports should be provided to the FFA parties, including as appropriate for review and comment, and for the administrative record for public information and involvement.

Ongoing work activities:

- 1) Updated Smallmouth Bass, Crayfish, and Clam Data Report, River Operable Unit, Bradford Island, Cascade Locks, Oregon. Original: October 2021.
 - a. New data received
 - i. Received remaining updated Level II and Level IV lab reports from ERDC in August 2022 (ERDC corrected flagging, mass discrepancies, and preparation dates)
 - ii. USACE received 209 congener data for select samples from Eurofins in February 2022 and data validation in August 2022.
 - b. Report includes:
 - i. The same contents of the October 2021 data report (Background, Methods, Results) with updated data and data validation
 - ii. Additional tissue samples analyzed for 209 congeners
 - c. Status: Updated Report, summary tables, etc. being drafted.
 - d. Estimated completion of report: September 2022
 - e. Coordination with FFA parties:
 - i. Internal check to be completed by USACE
 - ii. Updated data provided to FFA parties September 2022.
- 2) Stormwater and Catch Basin Solids Report and Best Management Practices Evaluation, Sandblast AOPC, Bradford Island, Cascade Locks, Oregon
 - a. Report includes:
 - i. Summary of best management practices to date (storm drain clean-outs and scoping, catch basin filter sock replacements, etc.)
 - ii. Summaries of recent series of catch basin and stormwater sampling events (2018-2020)
 - iii. Results from the 2018 – 2020 sampling events
 - iv. Discussion of results compared to benchmark criteria
 - v. Stormwater BMP evaluation completed by ERDC, including:
 1. Riverine modeling of contaminants discharged to Columbia River
 2. Literature Review of potential stormwater Best Management Practices
 - vi. Conclusions and BMP recommendations

- b. Status: Draft report was completed and reviewed by regulatory agencies, Tribes, and others in early 2022. Revising report based on comments received and documenting response to comments.
 - c. Estimated completion of final evaluation report: September 2022
 - d. Reviews and coordination:
 - i. Distributed for external review in January 2022 to EPA, USFWS, ODEQ, Ecology, Nez Pierce Tribe, Yakama Nation Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon. Reviewed comments February 2022.
 - ii. USACE finishing addressing responses to comments and revising report.
 - iii. Report will be provided to FFA parties upon completion.
- 3) Sandblast AOPC Soil Sampling Data Analysis
 - a. Work Plan and QAPP were reviewed by regulators and tribes in 2021 and the Final Revised Work Plan and QAPP was released in August 2021. Sampling took place in August 2021. Field and data report was completed and released to the public in February 2022.
 - b. Data has been compiled; data summary statistics complete, draft RBCs being developed
 - c. Report includes:
 - i. Statistical analysis of analytical results.
 - ii. Updated risk assessment for ecological and human health at this AOPC based on new data.
 - d. Estimated completion of draft report: November 2022.
 - e. Reviews and coordination:
 - i. Internal reviews to be completed by USACE.
 - ii. FFA parties' review of report TBD based on informal coordination process (described below).
- 4) ADDENDUM 2: Supplemental Exposure Scenario for Baseline Human Health and Ecological Risk Assessment, Upland Operable Unit, Bradford Island, Cascade Locks, Oregon
 - a. USACE previously issued an addendum in June 2017 (attached as Appendix 1 of the August 2017 Upland Feasibility Study) for a 4-hour exposure transiting scenario across the Sandblast AOPC. Based on tribal input previously received and discussed, a 12-hour exposure scenario is being included and documented in this addendum.
 - b. Report includes:
 - i. 12-hour exposure transiting scenario for tribal fishers. The 12 hours per day exposure scenario for tribal members exercising treaty reserved fishing rights.
 - c. Estimated completion of report in October 2022.
 - d. Reviews:
 - i. Internal reviews to be completed by USACE.
 - ii. FFA parties' review of data report TBD based on informal coordination process.
- 5) Groundwater Sampling Field and Data Report, Upland Operable Unit, Bradford Island, Cascade Locks, Oregon

- a. Report includes:
 - i. Field report documenting sampling event.
 - ii. Data report presenting analytical results
 - 1. Compare 2022 results on table to historical groundwater results.
 - 2. Compare 2022 results on table to 2022 screening levels.
 - b. Discussion and interpretation of results in relation to the CSM and possible recontamination to the River OU will be reserved for Revised Upland FS and in relation to the new source control RAOs being developed for the FS.
 - c. Status: Field portion of report was completed (includes background, description of work, field readings, sample information, shipment information, decontamination procedures, lab methods, photo log). Awaiting final validated data from 3rd party validator, which is anticipated by the end of August 2022. Next steps are completing a data usability assessment on the validated data and completion of the data portion of the report (including results section and data tables).
 - d. Estimated completion of final report: November 2022 .
 - e. Reviews and coordination:
 - i. Sampling plans were discussed with regulators, Tribes, and other agencies several times through 2021, followed by sampling in March and April 2022.
 - ii. Internal reviews to be completed by USACE.
 - iii. FFA parties' review of data report TBD based on informal coordination process.
- 6) 2020 Smallmouth Bass, Crayfish, and Clams Analysis Report, River Operable Unit, Bradford Island, Cascade Locks, Oregon
- a. Sampling completed in August through November 2020 (following the review of the Work Plans and QAPPs by regulators and tribes). Initial data report submitted in October 2021 and updated data report being submitted in September 2022 (report #1 on this list). Data analysis and evaluation to be provided in this report.
 - b. Report may include data analysis for 2022 tissue samples too; however, will likely complete data analysis report for 2020 prior to 2022 data being available.
 - c. Analysis to include comparison of concentrations between different portions of the forebay, temporal changes, evaluation of congener profiles over time.
 - d. Estimated completion of draft report: Spring 2023.
 - e. Reviews:
 - i. Internal reviews to be completed by USACE.
 - ii. FFA parties' review of report TBD based on informal coordination process.
- 7) 2022 Smallmouth Bass Analysis Report, River Operable Unit, Bradford Island, Cascade Locks, Oregon
- a. Sampling completed in March through July 2022 (following the review of the Work Plans and QAPPs by regulators and tribes in 2021 to early 2022). Field report was completed in August 2022 and will be provided to FFA parties and uploaded to the online Administrative Record. Tissue samples sent to the laboratory July 2022; data estimated to be available November 2022. Reporting on the results and evaluation of the results remains to be completed.

- b. May be incorporated into 2020 analysis report; however, will likely have a standalone data analysis. Will include a comparison to 2020 data.
 - c. Estimated completion of draft report: Spring 2023.
 - d. Reviews:
 - i. Internal reviews to be completed by USACE.
 - ii. FFA parties' review of report TBD based on informal coordination process.
- 8) Passive Sampling Report River Operable Unit, Bradford Island, Cascade Locks, Oregon
- a. LDPE sheets were deployed to the river bottom, at the sediment to water interface, as passive samplers in January/February 2020 over a month long period and analyzed upon retrieval for PCBs. Work plan and QAPP were reviewed by regulators, Tribes, and other agencies and draft data were released to them and reviewed in multiple datasets.
 - b. Evaluation of the 209 congener data versus prior congener subset of data remains. Reporting on all data and proposed usage of data remains.
 - c. Estimated completion of draft report: Summer 2023.
 - d. Reviews:
 - i. Internal reviews to be completed by USACE.
 - ii. FFA parties' review of report TBD based on informal coordination process.

Proposal for coordination with FFA parties:

USACE believes that cooperation and coordination among the FFA parties on this ongoing work is beneficial to all our agencies. To that end, it is proposed that USACE will follow the process in the Fort Eustis Model FFA for Consultation on Secondary Documents for the reports described above with regulator review indicated for the ongoing response work at Bradford Island. USACE would submit a draft report under the review process described in FFA paragraph 10.7.2 as a Secondary Document, allowing for review and comment and revision of the report as provided therein. At the completion of this process, the document would be considered final for purposes of the Bradford Island FFA once it is effective, and these documents would not be submitted for a second consultation process under the final FFA.

This is in addition to the USACE plan to submit as part of the FFA negotiation process a list of Primary and Secondary Documents for response actions at Bradford Island by USACE that have been completed and we consider satisfy the requirements of CERCLA and the NCP. The list and the reports will be submitted as described in the Fort Eustis Model FFA for previously completed Primary and Secondary Documents to the FFA parties pursuant to the Consultation clause of the Bradford Island FFA. It is anticipated these reports will be discussed in the FFA negotiations to reach agreement on completion of those response actions. That will in turn provide the starting point in the CERCLA response process for each of the two Operable Units that will be addressed in the USACE proposed Site Management Plan for future response actions.

The FFA parties would consider these pre-FFA exchanges of documents and comments and related discussions as internal and confidential to the four parties and not release them to third parties or make them available to the public until the consultation process is completed. This is consistent with

the roles and responsibilities to be established in the FFA, and encourages frank and open discussions among the FFA parties. After this consultation process, USACE will place the document in the public administrative record file and notify the public of its availability through the public involvement process described below.

In addition to this consultation process, the project managers for the FFA parties will continue to have regular meetings, which may include other technical staff of the agencies, to discuss site characterization information already collected at the Bradford Island AOPCs, and the ongoing work and data results described above. These meetings have been taking place over the past summer months and will continue through the FFA negotiation period, after which the FFA project manager meetings will continue pursuant to the FFA. The USACE Project Manager for this purpose is Ms. Chris Budai. She is currently communicating with the FFA parties' points of contacts to schedule these meetings, and they are anticipated to occur monthly or on occasion more frequently as the participants consider appropriate and as schedules permit.

Your express response to this coordination proposal is requested. Please specify if your agency is willing to consider the FFA consultation process to have been completed if USACE submits documents for consultation as stated above, and if your agency will consider the documents, comments, and discussions among the FFA parties to be confidential to the consultation process and not released outside of the FFA parties.

Public Involvement Plan:

As we have also discussed with you and others in your agencies, USACE is actively working on an updated Community Involvement Plan and has engaged a contractor to conduct outreach to determine interest among Indian Tribes and their members, local officials, members of environmental groups, and other community members in the response action process at Bradford Island. In prior years USACE had a community group as part of the public involvement process for Bradford Island cleanup, which continued as an advisory group that included the several interested Indian Tribes, representatives of your agencies, and participants from other interested State and Federal agencies. The contractor is providing information to Tribes and individuals on this updated outreach process and asking for interest in participation in a new Community Advisory Group (CAG). USACE and the contractor are using the U.S. Department of Defense (DoD) Restoration Advisory Board (RAB) Rule, codified at 32 CFR Part 202, to assist in the evaluation of interest in a CAG and to guide its establishment if there is sufficient interest. DoD has a great deal of experience with RABs and has had much success involving interested officials, groups, and individuals in assisting with the CERCLA response process and more effective involvement by the community. In locations where Indian Tribes have particular interest in a project or site, Tribal officials and members have participated on RABs as co-chairs with the DoD project manager and members, provided information and comments to the lead agency, and improved the agency's understanding of their concerns, as well as facilitated providing information on the response actions to other community members.

USACE will be completing the contractor's outreach and evaluating the results to determine if a CAG can be established for Bradford Island in the fall to winter 2022 time frame. If there is sufficient

interest, the CAG may include subgroups such as for the Indian Tribes that have been involved with USACE to discuss the Bradford Island response actions for the past many years. It is also intended that the CAG may include representatives of groups or persons with special interest in ecological resources, or other aspects of the response actions such as worker protection. We hope your agencies will join USACE in these public involvement efforts, participate in meetings and information events, and attend CAG meetings if and when it is established. USACE will keep your project managers informed and will proceed with these public involvement efforts during and following the FFA negotiations and finalization.

I trust this responds to the requests your agencies have made in the FFA negotiations for information on the ongoing USACE response action work at Bradford Island, the process for coordination pending the completion of the FFA, and the public involvement process USACE is pursuing to involve Indian Tribes, local officials, and community groups in the CERCLA response process. If you have questions on these matters, we can discuss them on our next scheduled virtual meeting or on an earlier call if that would be helpful. We look forward to hearing your agencies responses, particularly on the proposed pre-FFA coordination process.

Sincerely,

Ann L. Wright
Office of the Chief Counsel
USACE